

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

154699 - TC

September 04, 2008
16:01:42

Habeas Corpus

USAO #: 08-1037

Judge.: IRMA E GONZALEZ

Amount.: \$5.00 MO

Check#: 044-072187

Total-> \$5.00

FROM: SALCEDA
VS
SALAZAR

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 LEOVARDO SALCEDA,

12 Petitioner,

13 v.

14 JOHN F. SALAZAR, Warden, et al.,

15 Respondents.
16

Civil No. 08-1037 IEG (PCL)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

17 Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has
18 filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request
19 to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

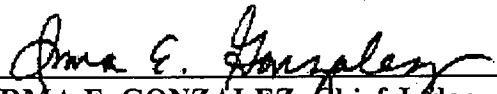
20 The request to proceed in forma pauperis is denied because Petitioner has not provided
21 the Court with sufficient information to determine Petitioner's financial status. A request to
22 proceed in forma pauperis made by a state prisoner must include a certificate from the warden
23 or other appropriate officer showing the amount of money or securities Petitioner has on account
24 in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to
25 provide the Court with the required Prison Certificate.¹
26

27 ¹ The Court notes that Petitioner attached to his in forma pauperis application, a request to
28 withdraw \$5.00 from his prison trust account. It appears Petitioner signed the request on July 6, 2008.
As of the date of this Order, this Court has not received the \$5.00 from the correctional facility to which
Petitioner is confined.

1 Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and
2 **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, **no later**
3 **than September 8, 2008**, provide the Court with: (1) a copy of this Order together with the
4 \$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot
5 pay the \$5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach an in*
6 *forma pauperis form to this Order.*

7 **IT IS SO ORDERED.**

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9 **DATED: July 28, 2008**

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11 **IRMA E. GONZALEZ, Chief Judge**
12 **United States District Court**
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